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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,803

10/06/2004

Gregory A. Dunko

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04/23/2007

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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/711,803	Applicant(s) DUNKO ET AL.	
	Examiner Bobbak Safaipoor	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 8/11/2005 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)**.

Consider **claim 1**, Westman discloses a method of creating a temporary site dependent group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30), the method comprising: detecting when a visiting equipped mobile device comes on-site (read as receiving the registration signal; paragraphs 33-39); registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claim 10**, Westman discloses a system for creating a temporary site dependent push-to-talk/media group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30) the method comprising: first discovery means for detecting when a visiting equipped mobile device comes on-site (read as receiving the registration signal; paragraphs 33-39); registration means for registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); second discovery means for detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registration means for de-registering the visiting equipped mobile device with the site based

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equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider claims 2 and 11, and as applied to claims 1 and 10 above, respectively,
Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using Bluetooth technology.
(Westman: paragraph 28)

Consider **claims 3 and 12**, and as applied to **claims 1 and 10** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using 802.11 WiFi technology. (Westman: paragraphs 50-51)

Consider **claims 4 and 13**, and as applied to **claims 1 and 10** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using IrDa infra-red technology. (Westman: paragraphs 50-51)

Consider **claims 5 and 14**, and as applied to **claims 1 and 10** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using location based services. (Westman: paragraphs 41-42; Gourraud et al: paragraph 36-39, 43-44)

Consider **claims 7 and 16**, and as applied to **claims 1 and 10** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein registering the visiting PTT/M equipped mobile device with the site based PTT/M equipped devices and the site based PTT/M equipped devices with the visiting PTT/M

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equipped mobile device such that normal group PTT/M communications can take place comprises: on the site based PTT/M equipped devices PTT/M network server, adding the visiting PTT/M equipped mobile device ID (read as user identify; paragraph 33-39, 43-44; Gourraud et al: paragraph 36-39); and on the visiting PTT/M equipped mobile device PTT/M network server, adding site based PTT/M equipped device IDs (paragraphs 33-39; Gourraud et al: paragraph 36-39, 43-44).

Consider **claims 8 and 17**, and as applied to **claims 1 and 10 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein de-registering the visiting PTT/M equipped mobile device from the site based PTT/M equipped devices when the visiting PTT/M equipped mobile device goes off-site comprises: on the site based PTT/M equipped devices PTT/M network server, removing the visiting PTT/M equipped mobile device ID (paragraphs 40-41); and on the visiting PTT/M equipped mobile device PTT/M network server, removing the site based PTT/M equipped device IDs (paragraphs 40-41).

Consider **claims 9 and 18**, and as applied to **claims 8 and 15 above, respectively**, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein the visiting PTT/M equipped mobile device will be de-registered after a specified period of time if it cannot be detected when the visiting PTT/M equipped mobile device has gone off-site. (paragraphs 40-41)

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Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)** and in further view of **Tranchina et al (US 2003/0080897 A1)**.

Consider **claims 6 and 15**, and as applied to **claims 5 and 14** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS).

In related art, Tranchina et al disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS). (paragraph 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Tranchina et al into the teachings of Westman and Gourraud et al to be able to identify when a mobile terminal enters a user group.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

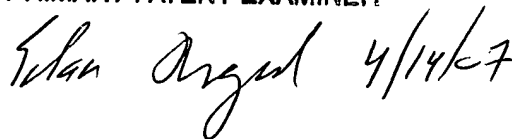
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Bobbak Safaipour
B.S./bs

April 12, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER


Edan Orgad 4/14/07